

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**HOUSE BILL 478
RATIFIED BILL**

AN ACT TO AMEND THE LAW REGARDING THE NORTH CAROLINA CHILD ALERT NOTIFICATION (NC CAN) SYSTEM AND TO RENAME THAT SYSTEM THE AMBER ALERT SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143B-499.1 reads as rewritten:

"§ 143B-499.1. Dissemination of missing persons data by law-enforcement agencies.

A law-enforcement agency, upon receipt of a missing person report by a parent, spouse, guardian, or legal custodian, shall immediately make arrangements for the entry of data about the missing person or missing child into the national missing persons file in accordance with criteria set forth by the FBI/NCIC, immediately inform all of its on-duty law-enforcement officers of the missing person report, initiate a statewide broadcast to all appropriate law-enforcement agencies to be on the lookout for the individual, and transmit a copy of the report to the Center.

If the report involves a missing child and the report meets the criteria established in G.S. 143B-499.7(b), as soon as practicable after receipt of the report, the law enforcement agency shall notify the Center and the National Center for Missing and Exploited Children of the relevant data about the missing child."

SECTION 2. G.S. 143B-499.2 reads as rewritten:

"§ 143B-499.2. Responsibilities of Center.

The Center shall:

- (1) Assist local law-enforcement agencies with entering data about missing persons or missing children into the national missing persons file, ensure that proper entry criteria have been met as set forth by the FBI/NCIC, and confirm entry of the data about the missing persons or missing children;
- (2) Gather and distribute information and data on missing children and missing persons;
- (3) Encourage research and study of missing children and missing persons, including the prevention of child abduction and the prevention of the exploitation of missing children;
- (4) Serve as a statewide resource center to assist local communities in programs and initiatives to prevent child abduction and the exploitation of missing children;
- (5) Continue increasing public awareness of the reasons why children are missing and vulnerability of missing children;
- (6) Achieve maximum cooperation with other agencies of the State, with agencies of other states and the federal government and with the National Center for Missing and Exploited Children in rendering assistance to missing children and missing persons and their parents, guardians, spouses, or legal custodians; and cooperate with interstate and federal efforts to identify deceased individuals;

- (6a) Develop and maintain the ~~North Carolina Child Alert Notification System (NC CAN) AMBER Alert System~~ as created by G.S. 143B-499.7;
- (7) Forward the appropriate information to the Police Information Network to assist it in maintaining and publishing a bulletin of currently missing children and missing persons;
- (8) Maintain a directory of existing public and private agencies, groups, and individuals that provide effective assistance to families in the areas of prevention of child abduction, location of missing children and missing persons, and follow-up services to the child or person and family, as determined by the Secretary of Crime Control and Public Safety;
- (9) Annually compile and publish reports on the actual number of children and persons missing each year, listing the categories and causes, when known, for the disappearances;
- (10) Provide follow-up referrals for services to missing children or persons and their families;
- (11) Maintain a toll-free 1-800 telephone service that will be in service at all times; and
- (12) Perform such other activities that the Secretary of Crime Control and Public Safety considers necessary to carry out the intent of its mandate."

SECTION 3. G.S. 143B-499.7 reads as rewritten:

"§ 143B-499.7. North Carolina ~~Child Alert Notification~~ AMBER Alert System established.

(a) There is established within the North Carolina Center for Missing Persons the ~~North Carolina Child Alert Notification System (NC CAN) AMBER Alert System~~. The purpose of ~~NC CAN AMBER Alert~~ is to provide a statewide system for the rapid dissemination of information regarding abducted children.

(b) The ~~NC CAN AMBER Alert System~~ shall make every effort to disseminate information on missing children as quickly as possible when the following criteria are met:

- (1) The child is ~~12~~ 17 years of age or younger;
- ~~(2) The child is believed to have been abducted;~~
- ~~(3) The child is believed to be in danger of injury or death;~~
- (4) The abduction is not known or suspected to be by a parent of the child; child, unless the child's life is suspected to be in danger of injury or death;
- (4a) The child is believed:
 - a. To have been abducted, or
 - b. To be in danger of injury or death;
- (5) The child is not a runaway or voluntarily missing; and
- (6) The abduction has been reported to and investigated by a law enforcement agency.

~~The NC CAN System may disseminate information on missing children who are ages 13 to 17 on a case by case basis, if all other criteria in subdivisions (2) through (6) of this subsection have been met, if the Center believes the dissemination of the information to be beneficial in the possible recovery of the missing child.~~

If the abduction of the child is known or suspected to be by a parent of the child, the Center, in its discretion, may disseminate information through the ~~NC CAN AMBER Alert System~~ if the child is believed to be in danger of injury or death.

(c) The Center shall adopt guidelines and develop procedures for the statewide implementation of the ~~NC CAN AMBER Alert System~~ and shall provide education and training to encourage radio and television broadcasters to participate in the System. The Center shall work with the Department of Justice in developing training material

regarding the ~~NC CANAMBER Alert~~ System for law enforcement, broadcasters, and community interest groups.

(d) The Center shall consult with the Department of Transportation and develop a procedure for the use of overhead permanent changeable message signs to provide information on the abduction of a child meeting the criteria established in subsection (b) of this section, when information is available that would enable motorists to assist law enforcement in the recovery of the missing child. The Center and the Department of Transportation shall develop guidelines for the content, length, and frequency of any message to be placed on an overhead permanent changeable message sign.

(e) The Center shall consult with the Division of Emergency Management, in the Department of Crime Control and Public Safety, to develop a procedure for the use of the Emergency Alert System to provide information on the abduction of a child meeting the criteria established in subsection (b) of this section.

(f) The Department of Crime Control and Public Safety, on behalf of the Center, may accept grants, contributions, devises, bequests, and gifts, which shall be kept in a separate fund, which shall be nonreverting, and shall be used to fund the operations of the Center and the ~~NC CANAMBER Alert System.~~"

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 5th day of June, 2003.

Beverly E. Perdue
President of the Senate

James B. Black
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____ .m. this _____ day of _____, 2003